

SB156 INTRODUCED



1 SB156
2 YL496NN-1
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 11-Feb-25



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SYNOPSIS:

Under existing law, an individual who has certain prior felony convictions may be given an enhanced sentence based on his or her prior felony convictions pursuant to the habitual felony offender act.

This bill would provide that an individual whose sentence has been enhanced pursuant to the habitual felony offender act may be eligible to be resentenced in certain circumstances.

This bill would provide for the automatic repeal of this act on October 1, 2030.

This bill would also direct the Code Commissioner to perform certain duties with respect to collective references to the Alabama Board of Pardons and Paroles.

A BILL
TO BE ENTITLED
AN ACT

Relating to sentencing; to add Section 13A-5-9.2 to the Code of Alabama 1975, to provide that an individual sentenced



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29 pursuant to the habitual felony offender act may be
30 resentenced in certain circumstances; and to further provide
31 for the duties of the Code Commissioner with respect to
32 collective references to the Alabama Board of Pardons and
33 Paroles.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Section 13A-5-9.2 is added to the Code of
36 Alabama 1975, to read as follows:

37 §13A-5-9.2

38 (a) On or after October 1, 2025, an individual serving
39 a sentence in the custody of the Department of Corrections may
40 file a motion for a reduction in that sentence if the
41 individual satisfies all of the following:

42 (1) The individual is serving a sentence pursuant to
43 Section 13A-5-9, for any offense other than: (i) homicide, as
44 defined in Article 1 of Chapter 6 of this title; (ii) a sex
45 offense, as defined in Section 15-20A-5; (iii) attempted
46 murder, pursuant to Section 13A-4-2; or (iv) an offense that
47 caused serious physical injury or physical injury to another
48 individual, as those terms are defined in Section 13A-1-2.

49 (2) The individual is serving a sentence of life
50 without the possibility of parole.

51 (3) The individual received a final sentence at the
52 trial court prior to May 26, 2000.

53 (4) The individual has no prior convictions for any
54 offense included in subdivision (1).

55 (b) The individual shall file any motion for a
56 reduction in sentence in the criminal division of the circuit



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57 court in the county in which the individual was convicted. The
58 motion shall be heard by the original sentencing judge or his
59 or her successor, the presiding judge of the circuit, or a
60 retired judge as assigned by the Chief Justice of the Alabama
61 Supreme Court.

62 (c) (1) The clerk of the court shall serve a copy of the
63 motion for a reduction in sentence on the district attorney in
64 the county of the conviction.

65 (2) The district attorney shall have an opportunity to
66 be heard on any motion filed pursuant to this section.

67 (d) Any victim named in the indictment shall have an
68 opportunity to be heard on any motion filed pursuant to this
69 section. A victim may file a statement with the court in lieu
70 of testifying at a hearing.

71 (e) (1) The circuit court clerk shall notify the Bureau
72 of Pardons and Paroles when a petition is filed pursuant to
73 this section and again when any hearing has been set. Upon
74 receipt of this notice, the bureau shall exercise due
75 diligence in attempting to locate and notify each victim named
76 in the indictment. The bureau, when practicable, shall provide
77 notifications through the statewide automated victim
78 notification system established pursuant to Section
79 15-22-36.2. Each notification shall include the pendency of
80 the motion; the location, date, and time of the hearing, if a
81 hearing has been set; information explaining the circumstances
82 in which the defendant may be resentenced; notice that the
83 victim has a right to be heard at the hearing through
84 in-person testimony or through a written victim impact



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85 statement; and contact information for the appropriate
86 district attorney. The court may not grant a motion for
87 resentencing pursuant to this section or hold a hearing on
88 such a motion until 30 days have passed following
89 certification by the bureau that it has completed the victim
90 notification requirements of this subdivision as to the
91 pendency of the motion or the holding of the hearing, as the
92 case may be.

93 (2) The circuit court clerk shall notify the
94 investigating law enforcement agency at least 30 days prior to
95 any hearing on a motion filed pursuant to this section.

96 (f) Within 10 days of any court order issued pursuant
97 to this section, the bureau shall exercise due diligence to
98 notify any victim named in the indictment.

99 (g) A court may impose a reduced sentence pursuant to
100 the laws in effect at the time of the motion or may impose a
101 sentence of time served.

102 (h) When considering a motion made pursuant to this
103 section, the court shall consider all of the following:

104 (1) The underlying offense.

105 (2) The individual's conduct while in the custody of
106 the Department of Corrections.

107 (3) The age of the individual at the time the motion is
108 filed, including relevant research regarding criminal behavior
109 as it relates to an individual's age.

110 (4) The individual's likelihood of success after
111 release based on the availability of a structured and
112 supportive re-entry program.



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113 (5) Whether the individual used a firearm in
114 furtherance of the offense.

115 (6) Any objection or absence of objection by a victim
116 named in the indictment.

117 (i) A court shall give considerable weight to any
118 objection or absence of objection by a victim named in the
119 indictment or the use of a firearm in furtherance of the
120 offense.

121 (j) A court may not entertain a motion made pursuant to
122 this section if a previous motion made pursuant to this
123 section was denied.

124 (k) Nothing in this section may be construed to require
125 a court to reduce any sentence.

126 (l) If a court determines a hearing is necessary for
127 any motion filed pursuant to this section, the court may not
128 hold a hearing on such a motion until 30 days have passed
129 following certification by the bureau that it has completed
130 the victim notification requirements set forth in subdivision
131 (e) (1).

132 (m) For the purposes of this section, all references to
133 a sentence, indictment, court, county, district attorney,
134 victim, or investigating law enforcement agency refer to the
135 sentence being served by the defendant that qualifies under
136 subsection (a) and the indictment, court, county, district
137 attorney, victim, and investigating law enforcement agency
138 related to that sentence and the crime that led to the
139 conviction.

140 (n) This section is repealed on October 1, 2030.



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141 Section 2. (a) The Legislature recognizes that the
142 Alabama Board of Pardons and Paroles is composed of a
143 three-person board, each member of which is appointed by the
144 Governor, serves a six-year term of office, and meets
145 periodically throughout the year; and an executive staff
146 consisting of an executive director and other administrative
147 staff which together perform the day-to-day duties of the
148 agency. The Legislature also recognizes that the Alabama Board
149 of Pardons and Paroles has reorganized itself to distinguish
150 the duties of the three-person board and the executive staff
151 performing the day-to-day duties of the agency.

152 (b) The Code Commissioner is directed to examine all
153 collective references to the Alabama Board of Pardons and
154 Paroles and, where appropriate, distinguish between the
155 three-member board and the executive staff functions of the
156 agency. References to the duties and functions of the
157 three-member board shall be referred to as the "Alabama Board
158 of Pardons and Paroles" or "board," and references to the
159 executive staff and its duties and functions shall be referred
160 to as the "Bureau of Pardons and Paroles" or "bureau."

161 Section 3. This act shall become effective on October
162 1, 2025.